

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHAHRAM SHAKOURI, #1558021

VS.

DIRECTOR, TDCJ-CID

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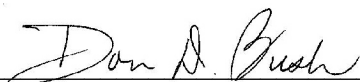
CIVIL ACTION NO. 4:15cv447

ORDER

Petitioner files a motion for an evidentiary hearing (dkt #10) and appointment of counsel (dkt #11). These motions are governed by the *Rules Governing Section 2254 Cases in the United States District Courts*. Rule 8(a) specifies that the determination whether an evidentiary hearing is required is to be made after an answer and state court records are filed. “[To receive a federal evidentiary hearing, a petitioner must allege facts that, if proved, would entitle him to relief.” *Wilson v. Butler*, 825 F.2d 879, 880 (5th Cir. 1987), *cert. denied*, 484 U.S. 1079 (1988). A court need not “blindly accept speculative and inconcrete claims’ as the basis upon which to order a hearing.” *Ellis v. Lynaugh*, 873 F.2d 830, 840 (5th Cir. 1989) (citations omitted). Rule 8(c) provides that the presiding judge shall appoint counsel for a petitioner if an evidentiary hearing is required and the petitioner qualifies for appointment of counsel under 18 U.S.C. § 3006A(g). The court has not determined whether a hearing will be necessary in this case. It is accordingly

ORDERED that the motion for appointment of counsel and an evidentiary hearing (dkt #10, 11) are **DENIED**, subject to reconsideration at the appropriate time.

SIGNED this 30th day of May, 2016.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE